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Kouichi Takamine

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EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,637	<b>Applicant(s)</b> TAKAMINE ET AL.	
	<b>Examiner</b> CHAU NGUYEN	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-11, 40 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11, 40 and 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Amendment filed on 12/31/2007, has been entered. Claims 6-11, 40 and 44-47 are pending. Claims 1-5, 12-39, 41-43 and 48 are cancelled without prejudice.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 6-11, 40 and 46-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The limitations of claims 6-11, 40 and 46-47 do not recite hardware, thus the claims 6-11, 40 and 46-47 do not recite statutory subject matter.

It is noted that independent claims 6, 9, 10, and 40 are apparatus claims and independent claims 46-47 are program claims. Accordingly, the instant Specification and the claim language do not specify the invention includes hardware. As such, the language of the claims merely describes a computer program per se. This raises a question as to whether the claims are directed to an abstract idea (i.e. data structures, etc.) that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101. In addition, "a content receiving unit", "presentation control

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information extraction unit", "presentation apparatus specification information obtainment unit", and "update judgment unit" are units performing functions, which are considered as software.

Regarding dependent claims 7, 8 and 11, since there is nothing in claims 7, 8 and 11 that renders said claims statutory under 35 U.S.C. 101, each of said claims are rejected for fully incorporating the deficiencies of their respective base claims.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6-11, 40 and 44-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contain subject matter "a first presentation apparatus" and "a second presentation apparatus" which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Please verify the support in the specification.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-11, 40 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. (Goto), US Patent Application Publication No. US 2001/0011287 A1, and further in view of Young et al. (Young), Patent Application Publication No. US 2003/0185182.

8. As to independent claim 6, Goto discloses a receiving apparatus comprising:

a content receiving unit operable to receive a content including presentation data which include one of printing data or displaying data and presentation control information associated with the presentation data, the presentation control information including a style sheet describing presentation setting for when the presentation data is printed or displayed based on a presentation specification, the presentation specification being related to an output by printing or displaying by a first presentation apparatus, and being previously defined (page 1, paragraph [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed; a style specification generating unit generating a style specification (presentation control information) based on the instruction from the

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style specification instructing unit which receives an instruction for style specification from a user, and the style specification is a style sheet, the style specification instructing unit 1 displays the instructed display screen. Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]); Figure 1 also discloses output data will be outputted to the style specification instruction unit (a first presentation apparatus)), the presentation control information includes presentation specification information related to the presentation specification (page 2, paragraph [0024]: obtaining contents of the sample specification for each element, and generating the style specification for each element corresponding to the instructed contents).

a presentation control information extraction unit operable to extract the presentation control information from the received content (page 2, paragraph [0034]: receiving an instruction for style specification from a user, and then notifies the style specification generating unit of the specified content);

a presentation apparatus specification information obtainment unit operable to obtain, from a second presentation apparatus connected to the receiving apparatus, presentation apparatus specification information related to an output by printing or displaying by the second presentation apparatus (page 1, paragraph [0017] and page 2, paragraph [0018]: the style specification generating unit obtains from the database (a second presentation apparatus) contents of selected style specification instructing unit for each element and

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generates the style specification for each element defining a style specification for visually outputting a structured document); and

an update judgment unit operable to compare the presentation control information included in the presentation control information with the obtained presentation apparatus specification information and to judge whether to update the style sheet or not (page 4, paragraph [0052]: a judging unit is provided to style specification instructing unit or style specification generating unit to indicate whether or not the setting items may be changed).

Goto, however, does not explicitly disclose a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data.

In the same field of endeavor, Young discloses in Figure 4 three different style sheet configurations (presentation specification), and different style sheet configurations are predefined for different layouts, each of the different layouts is for a different device. Young also discloses in page 5, paragraphs [0049]-[0050] that retrieving requested information, formatting of the information for the category of requesting mobile communication device and presentation of the information in accordance with a predefined layout.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Goto to include a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data. The motivation

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for doing so is to optimize content for mobile devices so the content may be rendered in an optimal fashion on each mobile device.

9. As to dependent claim 7, Goto discloses wherein the presentation apparatus specification information includes a page margin indicating a presentation range of the presentation apparatus as a specification of an output by printing or displaying by the second presentation apparatus (Figure 3 displays a template style that includes a margin, and Figure 5 displays a template style that includes value margin of different value such as 30pt., 20pt., 15pt.).

10. As to dependent claims 8 and 11, Goto discloses wherein the presentation specification information includes presentation apparatus information specifying one of (i) at least one the second presentation apparatus that is a displaying apparatus or a printing apparatus and (ii) a model of the second presentation apparatus (page 3, paragraph [0038]: the style specification instructing unit 1 displays the instructed display screen), and

the update judgment unit is operable to compare the presentation apparatus information included in the presentation control information with the obtained presentation apparatus specification information and to judge whether to update the style sheet or not (page 4, paragraph [0052]: a judging unit is provided to style specification instructing unit or style specification generating unit to indicate whether or not the setting items may be changed).



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11. As to independent claims 9 and 47, Goto discloses a receiving apparatus comprising:

a content receiving unit operable to receive a content including (i) presentation data which is one of printing data and display data (page 1, paragraphs [0013], [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed and printed), and (ii) presentation control information associated with the presentation data, the presentation control information including presentation specification information related a presentation specification, the presentation specification being related to an output by displaying or printing by a first presentation apparatus, the presentation control information also includes a style sheet describing presentation settings used for when the presentation data of content is printed or displayed by the first presentation apparatus (page 1, paragraph [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed; a style specification generating unit generating a style specification (presentation control information) based on the instruction from the style specification instructing unit which receives an instruction for style specification from a user, and the style specification is a style sheet, the style specification instructing unit 1 displays the

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instructed display screen. Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]); Figure 1 also discloses output data will be outputted to the style specification instruction unit (a first presentation apparatus)).

a presentation control information extraction unit operable to extract the presentation control information from the received content (page 2, paragraph [0034]: receiving an instruction for style specification from a user, and then notifies the style specification generating unit of the specified content); and

an output unit operable to output by printing or displaying the presentation data based on the presentation specification and the style sheet that are included in the presentation control information (page 1, paragraph [0013] and page 2, paragraph [0018]: defining a style specification for visually outputting a structured document, and the style information associated with the style specification when displaying or printing the document); and

Goto, however, does not explicitly disclose a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data.

In the same field of endeavor, Young discloses in Figure 4 three different style sheet configurations (presentation specification), and different style sheet configurations are predefined for different layouts, each of the different layouts is for a different device. Young also discloses in page 5, paragraphs [0049]-[0050] that retrieving requested information, formatting of the information for the

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category of requesting mobile communication device and presentation of the information in accordance with a predefined layout.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Goto to include a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data. The motivation for doing so is to optimize content for mobile devices so the content may be rendered in an optimal fashion on each mobile device.

12. As to independent claims 10 and 45, Goto discloses a presentation apparatus comprising:

a content obtainment unit operable to obtain, from a receiving apparatus connected to the presentation apparatus, a content that includes (i) presentation data which is one of printing data and displaying data (page 1, paragraphs [0013], [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed and printed) (page 1, paragraphs [0013], [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed and printed), and (ii) presentation control information

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associated with the presentation data, the presentation control information including presentation specification information related a presentation specification, the presentation specification being related to an output by displaying or printing by a first presentation apparatus, the presentation control information also includes a style sheet describing presentation settings used for when the presentation data of content is printed or displayed by the first presentation apparatus (page 1, paragraph [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed; a style specification generating unit generating a style specification (presentation control information) based on the instruction from the style specification instructing unit which receives an instruction for style specification from a user, and the style specification is a style sheet, the style specification instructing unit 1 displays the instructed display screen. Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]); Figure 1 also discloses output data will be outputted to the style specification instruction unit (a first presentation apparatus)).

a presentation control information extraction unit operable to extract the presentation control information form the obtained content (page 2, paragraph [0034]: receiving an instruction for style specification from a user, and then notifies the style specification generating unit of the specified content);

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an update judgment unit operable to compare the presentation specification information included in the presentation control information with presentation apparatus specification information concerning a specification regarding output and judge whether to update the style sheet or not (page 4, paragraph [0052]: a judging unit is provided to style specification instructing unit or style specification generating unit to indicate whether or not the setting items may be changed);

a layout rule extraction unit operable to extract layout rule indication a selection range of parameters of the presentation settings from the presentation apparatus specification information in the case of updating the style sheet as a result of the judgment (page 2, paragraph [0018]: defining a style specification for visually outputting a structured document);

a style sheet update unit operable to change the parameters of the style sheet with reference to the extracted layout rule and the style sheet (page 4, paragraphs [0048]-[0051]; and

a presentation unit operable to print or display the presentation data based on the updated style sheet (page 1, paragraph [0013] and page 4, paragraph [0051]).

Goto, however, does not explicitly disclose a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data.

In the same field of endeavor, Young discloses in Figure 4 three different style sheet configurations (presentation specification), and different style sheet

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configurations are predefined for different layouts, each of the different layouts is for a different device. Young also discloses in page 5, paragraphs [0049]-[0050] that retrieving requested information, formatting of the information for the category of requesting mobile communication device and presentation of the information in accordance with a predefined layout.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Goto to include a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data. The motivation for doing so is to optimize content for mobile devices so the content may be rendered in an optimal fashion on each mobile device.

13. As to independent claims 40, 44 and 46, Goto discloses a content presentation system comprising a distribution server having a content generation apparatus and a receiving apparatus for receiving printing or displaying content from the distribution server and for causing a second presentation apparatus which is one of the printing apparatus and a displaying apparatus connected to the receiving apparatus to print or display the received printing or displaying content,

wherein the content generating apparatus includes:

a presentation control information generation unit that generates presentation control information including (i) presentation specification related to an output by printing or displaying by a first presentation apparatus and (ii) a

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style sheet describing presentation settings which are one of printing setting and displaying settings of the presentation data by one of the first presentation apparatus and a model of the first presentation apparatus (page 1, paragraph [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: the style specification instructing unit 1 (content receiving unit) receives an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed; a style specification generating unit generating a style specification (presentation control information) based on the instruction from the style specification instructing unit which receives an instruction for style specification from a user, and the style specification is a style sheet, the style specification instructing unit 1 displays the instructed display screen. Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]); Figure 1 also discloses output data will be outputted to the style specification instruction unit (a first presentation apparatus)); and

a content generation unit that associates the presentation with the presentation control information and generates a printing or displaying content including the presentation data and presentation control information (page 2, paragraph [0023]: an apparatus defines a style specification for outputting a structured document, and the style specification unit from the apparatus obtains contents of the sample specification selected by the style specification unit for

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each element and generates the style specification for each element corresponding to the instructed contents).

wherein a receiving apparatus comprising:

a content receiving unit that receives the printing or displaying a content (page 1, paragraphs [0013], [0017] and pages 2-3, paragraphs [0018] and [0035]; a style specification generating unit generating a style specification (presentation control information) based on the instruction from the style specification instructing unit which receives an instruction for style specification from a user, and the style specification is a style sheet for displaying or printing document. Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]);

a presentation control information extraction unit that extracts the presentation control information from the received printing or displaying content (page 2, paragraph [0034] and page 1, paragraph [0013]; receiving an instruction for style specification for printing or displaying from a user, and then notifies the style specification generating unit of the specified content);

an content output unit that outputs the printing or displaying content to the first presentation apparatus based on the presentation specification and the style sheet that are included in the presentation control information (page 1, paragraph [0013] and page 2, paragraph [0018]; defining a style specification (for displaying or printing) for visually outputting a structured document); and

wherein the presentation apparatus includes:



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a content receiving apparatus that receives the printing or displaying content from the receiving apparatus (page 1, paragraph [0013] and page 2, paragraph [0018]: visually displaying the sample formats for printing or displaying on a display screen); and

a presentation unit that presents the presentation data based on the style sheet included in the received printing or displaying content (page 2, paragraph [0018]: visually displaying the sample formats for printing or displaying on a display screen).

Goto, however, does not explicitly disclose a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data.

In the same field of endeavor, Young discloses in Figure 4 three different style sheet configurations (presentation specification), and different style sheet configurations are predefined for different layouts, each of the different layouts is for a different device. Young also discloses in page 5, paragraphs [0049]-[0050] that retrieving requested information, formatting of the information for the category of requesting mobile communication device and presentation of the information in accordance with a predefined layout.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Young and Goto to include a presentation specification that is previously defined in order to guarantee uniqueness concerning a page layout of the presentation data. The motivation

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for doing so is to optimize content for mobile devices so the content may be rendered in an optimal fashion on each mobile device.

### ***Response to Arguments***

In the remarks, applicant(s) argued in substance that

A) Prior art fails to disclose or suggest at least a device or method that uses presentation control information associated with presentation data, wherein the presentation control information includes a style sheet describing presentation setting for when the presentation data is printed or displayed based on a presentation specification, and the presentation specification is related to an output by printing or displaying by a first presentation apparatus (see page 13 of Remarks).

In reply to argument A, Goto discloses in page 1, paragraph [0017] and pages 2-3, paragraphs [0018], [0034]-[0035] and [0038]: an instruction for style specification (presentation data) which is style specification information template that will show how presentation data is displayed; a style specification generating unit generating a style specification (presentation control information) based on the instruction (presentation data) from the style specification instructing unit which receives an instruction for style specification from a user, and the style specification associate with a style sheet when displaying or printing document (page 1, paragraph [0013]). Goto also discloses the style specification instruction unit indicates a list of samples of various style specification template registered in the sample database (page 3, paragraph [0036]); Figure 1 also

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discloses output data will be outputted to the style specification instruction unit (a first presentation apparatus)), the presentation control information includes presentation specification information related to the presentation specification (page 2, paragraph [0024]: obtaining contents of the sample specification for each element, and generating the style specification for each element corresponding to the instructed contents).

B) Prior art fails to disclose a device or method that compares the presentation specification information included in the presentation control information with the obtained presentation apparatus specification information and judges whether to update the style sheet or not (see page 14 of Remarks).

In reply to argument B, Goto discloses in page 4, paragraph [0052]: a judging unit is provided to style specification instructing unit or style specification generating unit to indicate whether or not the setting items may be changed, thus the comparison step must be inherit in the step indicating whether or not the setting items may be changed.

14. Applicant's arguments and amendments filed on 12/31/2007 have been fully considered but they are not persuasive. Please see the rejection and response to arguments above.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
Patent Examiner  
Art Unit 2176

/William L. Bashore/  
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